

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM F. DAVIS, III,)
Plaintiff,)
v.) Civil Action No. 04-209-SLR
CORRECTIONAL MEDICAL SYSTEMS,)
FIRST CORRECTIONAL MEDICAL,)
NURSE BETTY BRADLEY, and)
DR. BENJAMIN ROBINSON,)
Defendants.)

ORDER

At Wilmington this 14th day of June, 2007;

On March 29, 2007, the court ordered First Correctional Medical ("FCM") to show good cause for its failure to comply with a request for waiver of service as required by Fed. R. Civ. P. 4(d)(2). See D.I. 68, 69. Counsel for FCM advises the court that she is unable to determine why FCM refused to waive service. She speculates that it was a "mere oversight" on the part of officials of FCM.

FCM's proffer of good cause does not rest upon facts, but rather, upon an inability by its counsel to determine why FCM refused to waive service and counsel's speculation that it was "mere oversight." The court concludes that FCM has not demonstrated good cause for its failure to comply with a request for waiver of service as required by Rule 4.

IT IS HEREBY ORDERED that:

1. First Correctional Medical shall pay the costs incurred by the U.S. Marshal in effecting service upon it.

2. The clerk of the court is directed to forward a copy of this order to the U.S. Marshal's office for calculation of the costs incurred by the U.S. Marshal. The U.S. Marshal's office shall advise the court, by no later than thirty days from the date of this order, of the costs incurred.

3. First Correctional Medical shall remit payment of the costs incurred to the U.S. Marshal's office within thirty days after the court is notified of the costs incurred. The U.S. Marshal's office shall advise the court when it has received payment from First Correctional Medical.



UNITED STATES DISTRICT JUDGE